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PATENT
Attorney Docket No.: 040246-002000US

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Sara B. McPeak
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James L. Hepworth et al.

Application No.: 09/612,766

Filed: July 10, 2000

For: METHOD AND SYSTEM FOR
SEARCHING AND MONITORING
INTERNET TRADEMARK USAGE

Customer No.: 20350

Confirmation No. 8887

Examiner: Anh Ly

Art Unit: 2162

INTERVIEW SUMMARY

Via EFS-Web

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please enter the following interview summary and remarks:

INTERVIEW SUMMARY AND REMARKS

Pursuant to an amendment filed November 3, 2006, claims 1, 2, 5, 6, 10-12, 16-22 and 28-33 were pending. In a telephone call on November 17, 2006, the Examiner notified the undersigned that a set of amendments would be required to put the claims in condition for allowance. Specifically, the Examiner objected to use of the term "and/or" and the use of the term "instructions to" in several of the claim elements. Accordingly, the Examiner invited the applicants to submit proposed amendments to the claims for use in an Examiner's Amendment to

address those objections, and on November 20, 2006, the applicants submitted by facsimile transmission informal proposed amendments to claims 1, 5, 6, 10, 12, and 16.

The applicants, and the undersigned, wish to express to the Examiner their appreciation for the courtesy of calling prior to issuing a formal office action, and for the Examiner's diligence in reviewing the claims of this application.

The applicants do wish to note for the record, however, that they do not concede that the use of the term "and/or" renders a claim indefinite under § 112, ¶ 2, or that the inclusion of the term "instructions to" in the elements of a claim renders that claim invalid under § 101. In the interest of expeditious prosecution, however, the proposed amendments submitted by the applicants did remove the terms "and/or" and "instructions to" where requested by the Examiner.

Specifically, the proposed amendments to claims 1, 5, 6, 10, 12 and 16 replaced the term "and/or" with the term "or." In making these amendments, however, the applicants do not intend to imply that the term "or" is used in an exclusive sense. Instead, the term "or" is used inclusively, to convey that the phrase "at least one of a trademark, a tradename, a celebrity name or a famous name" means at least one trademark, tradename, celebrity name, famous name, or any combination thereof.

Further, to address the Examiner's objections to claims 6, 10, 12 and 16, the applicants have removed the term "instructions to" from several elements of those claims. The applicants note for the record, however, that, despite the removal of that term, claims 6, 10, 12 and 16 should not be construed as reciting the performance of a method.

Rather, claims 6 and 10 each recite an apparatus, specifically a system that includes instructions (i.e., program code), on a computer readable storage medium, that are executable by that system to perform the operations recited by those claims; claims 6 and 10, however, do not recite actually performing the recited operations. Similarly, claims 12 and 16 each recite an apparatus, namely a computer readable medium that comprises instructions that are executable by a computer to perform the operations recited. Again, however, claims 12 and 16 do not recite a method of actually performing the operations recited.


CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Dated: November 21, 2006

Respectfully submitted,


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